

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201903259	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/06/2019 6:25 PM, Saturday, 04/06/2019 7:30 PM	Location of Incident: Franklin Avenue and St. Johns Place; Inside of the 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 10/6/2020	EO SOL 5/23/2021	
Date/Time CV Reported Tue, 04/16/2019 1:50 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 04/16/2019 1:50 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rochael Vasquez	10909	960049	077 PCT
2. POM Ashley Griffith	19021	958654	077 PCT
3. SGT Paul Aparo	00579	945137	077 PCT
4. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Ashley Griffith	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)	
B.POM Ashley Griffith	Force: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith used physical force against § 87(2)(b)	
C.POM Rochael Vasquez	Abuse: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Rochael Vasquez searched the vehicle in which § 87(2)(b) was an occupant.	
D.POM Ashley Griffith	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)	
E.POM Ashley Griffith	Force: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith used physical force against § 87(2)(b)	
F. An officer	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
G. An officer	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
H.POM Ashley Griffith	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)	
I.POM Ashley Griffith	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J.POM Rochael Vasquez	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Rochael Vasquez spoke discourteously to § 87(2)(b)	
K.POM Rochael Vasquez	Discourtesy: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Rochael Vasquez spoke discourteously to § 87(2)(b)	
L.POM Ashley Griffith	Abuse: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith refused to provide his shield number to § 87(2)(b)	
M.POM Ashley Griffith	Abuse: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Ashley Griffith refused to provide his shield number to § 87(2)(b)	
N.POM Rochael Vasquez	Abuse: At Franklin Avenue and St. John's Place in Brooklyn, Police Officer Rochael Vasquez refused to provide his shield number to § 87(2)(b)	
O.SGT Paul Aparo	Abuse: At the 77th Precinct stationhouse, Sergeant Paul Aparo did not process § 87(2)(b)'s complaint regarding Police Officer Ashley Griffith.	
P.SGT Paul Aparo	Abuse: At the 77th Precinct stationhouse, Sergeant Paul Aparo did not process § 87(2)(b)'s complaint regarding Police Officer Ashley Griffith.	
	§ 87(2)(g), § 87(4-b)	

Case Summary

On April 16, 2019, § 87(2)(b) filed this complaint via the CCRB online complaint form on behalf of himself, his wife § 87(2)(b) and his father-in-law § 87(2)(b).

On April 6, 2019, at approximately 6:25 PM, § 87(2)(b) had double-parked his car in the bicycle lane on Franklin Street near St. John's Place in Brooklyn when PO Ashley Griffith and PO Rochael Vasquez of the 77th Precinct stopped their vehicle beside him and told him to move. As § 87(2)(b) was preparing to move, PO Griffith allegedly told him through the loudspeaker, "Move the car, asshole," and, "Move the car, fuckboy." (**Allegation A, Discourtesy:** § 87(2)(g) PO Griffith and PO Vasquez then instructed § 87(2)(b) to pull over, and § 87(2)(b) complied. § 87(2)(b) was unable to find his driver's license and he and PO Griffith argued, after which PO Griffith opened the door of § 87(2)(b) vehicle. PO Griffith then allegedly grabbed § 87(2)(b) by his shirt and attempted to pull him out of the vehicle (**Allegation B, Force:** § 87(2)(g) PO Vasquez allegedly searched the glove compartment of § 87(2)(b) vehicle (**Allegation C, Abuse of Authority:** § 87(2)(g) PO Griffith allegedly spoke discourteously to § 87(2)(b) several times, including making statements such as, "What's your fucking problem?" and "Give me your fucking ID," (**Allegation D, Discourtesy:** § 87(2)(g) As § 87(2)(b) and § 87(2)(b) approached, PO Griffith allegedly pushed § 87(2)(b) with one hand on his chest until he nearly fell backwards (**Allegation E, Force:** § 87(2)(g) One of the two officers allegedly told § 87(2)(b) and § 87(2)(b) "Mind your fucking business and move the fuck back," (**Allegations F and G, Discourtesy:** § 87(2)(g) Both PO Griffith and PO Vasquez allegedly told § 87(2)(b) and § 87(2)(b) to "move the fuck back," (**Allegations H-K, Discourtesy:** § 87(2)(g) Both § 87(2)(b) and § 87(2)(b) asked PO Griffith multiple times for his shield number, to which he responded by repeatedly telling them to step back but did not provide his shield number (**Allegations L and M, Abuse of Authority:** § 87(2)(g) § 87(2)(b) also asked PO Vasquez for his shield number, which he allegedly did not provide (**Allegation N, Abuse of Authority:** § 87(2)(g) At approximately 7:30 PM on that same day, § 87(2)(b) and § 87(2)(b) went to the 77th Precinct stationhouse and spoke with Sgt. Paul Aparo to file a complaint against PO Griffith and PO Vasquez. Sgt. Aparo did not process § 87(2)(b) and § 87(2)(b) complaint against the officers (**Allegations O and P, Abuse of Authority:** § 87(2)(g) § 87(2)(g), § 87(4-b)

BWC footage was obtained from PO Griffith and PO Vasquez [BR 07, 08]. Cell phone video was also obtained from § 87(2)(b) [BR 05].

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)

Allegation (B) Force: Police Officer Ashley Griffith used physical force against § 87(2)(b)

It is undisputed that PO Vasquez and PO Griffith instructed § 87(2)(b) to move his vehicle. Both § 87(2)(b) and § 87(2)(b) testified to the CCRB that PO Griffith used the loudspeaker on the police vehicle and told § 87(2)(b) “Move the car, asshole,” followed shortly thereafter by, “Move the car, fuckboy” [BR 03, 04]. Both PO Griffith and PO Vasquez, in their testimony to the CCRB, denied that PO Griffith made such statements over the vehicle’s loudspeaker [BR 10, 12]. Neither PO Griffith’s nor PO Vasquez’s BWC footage captures their interactions with § 87(2)(b) before the vehicle stop is initiated [BR 07, 08].

§ 87(2)(b) testified that after he was unable to locate his driver's license, he asked PO Griffith if he could exit the vehicle to look under the driver's seat [BR 03]. PO Griffith allegedly

reached into the open window of § 87(2)(b) vehicle, unlocked and opened the door. PO Griffith then attempted to pull § 87(2)(b) out of the car by grabbing and pulling on his clothing. § 87(2)(b) testified that PO Griffith took these actions at a later point during the stop [BR 04]. In his phone statement, § 87(2)(b) made no mention of these actions. § 87(2)(b) was ultimately uncooperative with the investigation [BR 14].

In their testimony, both PO Griffith and PO Vasquez stated that § 87(2)(b) had refused to provide any documentation and that he refused to verbally provide his name [BR 10, 12]. Both PO Griffith and PO Vasquez opened the front driver's side and front passenger's side doors of the vehicle, respectively, to initiate an arrest of § 87(2)(b) given that he had refused to identify himself. Both officers denied that PO Griffith had any physical contact with § 87(2)(b) or that PO Griffith grabbed § 87(2)(b) and attempted to pull him out of the vehicle. PO Griffith and PO Vasquez activated their BWC after the vehicle stop had been initiated and § 87(2)(b) doors were already open [BR 07, 08]. As such, there is no video footage depicting these allegations.

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Rochael Vasquez searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Discourtesy: Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when she approached § 87(2)(b) vehicle, both of the doors were open, and PO Vasquez was searching the glove compartment [BR 04]. § 87(2)(g)

§ 87(2)(b) PO Vasquez's BWC footage from IA 55 shows that, at 0:42 seconds, § 87(2)(b) opened the glove compartment to retrieve his documentation, closing it thereafter [BR 03, 07]. PO Vasquez is not seen opening or searching the glove compartment at any point.

§ 87(2)(b) also alleged that PO Griffith was standing over § 87(2)(b) who was seated in the vehicle, and said, "What's your problem fuckboy?" followed by, "What's your fucking problem?" and, "Show me your fucking ID." § 87(2)(b) alleged that PO Griffith spoke discourteously to § 87(2)(b) throughout the stop, making the following statements at different times: "Stay the fuck in the car," "Get the fuck out of the car," "Put your foot in the fucking car," and "Close the fucking door."

§ 87(2)(b) did not state in his testimony that PO Vasquez searched his glove compartment, nor did he testify that PO Griffith used the additional discourteous language. In their testimony, PO Griffith and PO Vasquez denied that PO Vasquez searched the glove compartment [BR 10, 12]. They also denied that PO Griffith made the above statements or used any profanity when speaking to § 87(2)(b) [BR 10, § 87(2)(g)]

PO Griffith is not heard using profanity at any point in the video.

§ 87(2)(g)

Allegation (E) Force: Police Officer Ashley Griffith used physical force against § 87(2)(b)

Allegation (F) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (G) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (H) Discourtesy: Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)

Allegation (I) Discourtesy: Police Officer Ashley Griffith spoke discourteously to

§ 87(2)(b)

Allegation (J) Discourtesy: Police Officer Rochael Vasquez spoke discourteously to § 87(2)(b)

Allegation (K) Discourtesy: Police Officer Rochael Vasquez spoke discourteously to § 87(2)(b)

In his unverified phone statement, § 87(2)(b) stated that when he approached § 87(2)(b) vehicle and asked what was going on, PO Griffith told him to get back [BR 06]. PO Griffith then put a hand on § 87(2)(b) chest until he was on the sidewalk. This was corroborated by § 87(2)(b) and § 87(2)(b) although § 87(2)(b) stated that § 87(2)(b) almost fell backwards, while § 87(2)(b) stated that § 87(2)(b) did not stumble and only stepped back [BR 03, 04]. § 87(2)(b) was ultimately uncooperative with the investigation [BR 14]. Although PO Griffith and PO Vasquez did not recall the push occurring, PO Griffith's BWC footage § 87(2)(g) shows that at 0:38 seconds, § 87(2)(b) stepped off the sidewalk and approached § 87(2)(b) vehicle, after which PO Griffith is seen putting his left hand on § 87(2)(b) chest and telling him to step back [BR 08, 10, 12]. It is unclear in the video whether PO Griffith applies any force.

§ 87(2)(b) testified that one of the two officers, whom she did not recall, told her and § 87(2)(b) "Mind your fucking business and move the fuck back" [BR 04]. PO Vasquez, along with PO Griffith, then told § 87(2)(b) and § 87(2)(b) "Back the fuck up." These allegations were not corroborated by § 87(2)(b) and PO Griffith and PO Vasquez denied making these statements. Neither statement is heard at any point in either PO Griffith's or PO Vasquez's BWC footage § 87(2)(b) 56, which capture the entirety of the officers' interactions with § 87(2)(b) and § 87(2)(b) [BR 07, 08].

§ 87(2)(g)

Allegation (L) Abuse of Authority: Police Officer Ashley Griffith refused to provide his shield number to § 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Ashley Griffith refused to provide his shield number to § 87(2)(b)

Allegation (N) Abuse of Authority: Police Officer Rochael Vasquez refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that during the stop, PO Griffith and PO Vasquez returned to their own vehicle and sat inside for several minutes to prepare summonses for § 87(2)(b). During that time, § 87(2)(b) repeatedly asked PO Griffith for his shield number [BR 04]. PO Griffith did not respond but repeatedly told § 87(2)(b) to step away from him. § 87(2)(b) added that § 87(2)(b) also repeatedly asked PO Griffith for his shield number, which § 87(2)(b) corroborated in his phone

statement [BR 06].

PO Griffith's BWC footage § 87(2)(g) from 2:11-11:35 minutes shows that he was inside his vehicle in the driver's seat for approximately nine minutes, during which both § 87(2)(b) and § 87(2)(b) are heard near the open front driver's side window, asking for his shield number several times [BR 08]. PO Griffith does not respond to the requests and repeatedly tells them to step away from the vehicle. It is unclear how close they are to the vehicle, although § 87(2)(b) is seen approaching several times. The front driver's side window remains open for the duration of PO Griffith's time in the police vehicle. PO Griffith testified that, while in his vehicle, he did not respond to § 87(2)(b) and § 87(2)(b) requests for his shield number because he was focused on having them step away from the vehicle for PO Vasquez's safety and because they were not part of the incident [BR 12]. However, although PO Vasquez testified that he did not hear § 87(2)(b) and § 87(2)(b) requests for PO Griffith's shield number, he also stated that § 87(2)(b) did not approach the police vehicle [BR 10]. § 87(2)(b) on the other hand, stood by the police car.

§ 87(2)(b) testified that after PO Vasquez issued summonses to § 87(2)(b) she asked PO Griffith again for his shield number while he was standing on the street. At that time, PO Griffith put his hand on his chin, blocking his shield with his arm, and again told § 87(2)(b) to step back. § 87(2)(b) provided cell phone video, § 87(2)(g) in which she is heard requesting PO Griffith's shield number and appears to be standing four to five feet away [BR 05]. PO Griffith is seen putting his left hand on his chin, causing his arm to block the view of his shield, and telling § 87(2)(b) to step away from him. § 87(2)(b) also stated that she asked PO Vasquez for his shield number at that time, but he ignored her.

PO Griffith reviewed his own BWC footage during his CCRB interview and stated that he did not hear § 87(2)(b) because he was still focused on PO Vasquez. However, PO Griffith's BWC footage shows him putting his hand on his chin just as § 87(2)(b) begins to approach him with her phone held up to record. PO Griffith maintains this position until he returns to his vehicle. Due to PO Griffith's arm covering his BWC, it is unclear how close § 87(2)(b) is standing in relation to him, but a still frame from the moment PO Griffith's arm moves away from the camera is consistent with § 87(2)(b) video footage showing that she was standing several feet away at the time [BR 16]. § 87(2)(b) is not heard requesting PO Vasquez's shield number at any point in her cell phone video or in PO Griffith or PO Vasquez's BWC video [BR 07]. PO Vasquez testified that no statements were made by civilians at that time, including requests for his shield number.

NYPD Patrol Guide Procedure 203-09 states that officers must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests the officers to do so [BR 17].

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (O) Abuse of Authority: Sergeant Paul Aparo did not process § 87(2)(b)
§ 87(2)(b) s complaint regarding Police Officer Ashley Griffith.

Allegation (P) Abuse of Authority: Sergeant Paul Aparo did not process § 87(2)(b)
§ 87(2)(b) s complaint regarding Police Officer Ashley Griffith.

§ 87(2)(b) and § 87(2)(b) both testified that at approximately 7:30 PM on that same day, they went to the 77th Precinct stationhouse and informed Sgt. Aparo, the desk officer at the time, that they wanted to file a complaint against PO Griffith and PO Vasquez regarding the stop [BR 03, 04]. Sgt. Aparo testified that § 87(2)(b) and § 87(2)(b) complained about the officers' discourteous language and PO Griffith pushing § 87(2)(b) [BR 13]. Sgt. Aparo called PO Griffith and PO Vasquez back to the stationhouse and interviewed them, then reviewed their BWC footage and made the determination that the officers had not used any discourteous language or pushed anyone. Having found that the allegations were unfounded, Sgt. Aparo determined that § 87(2)(b) and § 87(2)(b) complaint did not meet the criteria for an IAB or CCRB complaint. § 87(2)(b) and § 87(2)(b) testified that Sgt. Aparo told them that a complaint could not be filed because the officers had done nothing wrong [BR 03, 04]. Sgt. Aparo did not process the complaint and did not inform § 87(2)(b) and § 87(2)(b) of their options for filing the complaint elsewhere.

NYPD Patrol Guide Procedure 207-31 outlines the process for processing civilian complaints against members of service [BR 18]. Officers must report all misconduct complaints including unnecessary use of force, abuse of authority, discourtesy, and offensive language to the CCRB. Complainants who appear in person must be interviewed and given a civilian complaint report to fill out, or, if they elect not to file the complaint immediately, informed of their other options for doing so. A supervisor must also investigate the complaint and document their findings accordingly.

§ 87(2)(g)

§ 87(2)(g), §
87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been parties [BR 19, 20, 21].
- PO Griffith has been a member of service for four years. He has been a subject in eight other CCRB cases with 32 allegations, none of which have been substantiated. § 87(2)(g)
- PO Vasquez has been a member of service for four years. He has been a subject in 10 other CCRB cases with 25 allegations, one of which was substantiated.
 - Case 201806017 involved a substantiated allegation of a vehicle stop, for which the Board recommended formalized training. The NYPD elected to issue no penalty.
 - § 87(2)(g)
- Sgt. Aparo has been a member of service for 12 years. He has been a subject in seven other CCRB complaints with 17 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- On January 3, 2020, a request was submitted to determine if a Notice of Claim was filed; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 22].

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 3

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date